

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

JAMES HAYDEN,

Plaintiff,

v.

2K GAMES, INC., a Delaware corporation,  
and  
TAKE-TWO INTERACTIVE SOFTWARE,  
INC., a Delaware corporation,

Defendants

CASE NO. 1:17-cv-02635-CAB

JUDGE CHRISTOPHER A. BOYKO

**AMENDED PLAINTIFF'S EXHIBIT  
INDEX**

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Plaintiff James Hayden hereby submits the attached Amended Exhibit Index.

Plaintiff reserves the right to add additional exhibits for rebuttal or impeachment purposes and to add any exhibit listed or otherwise identified by Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc. Plaintiff reserves the right to use as an exhibit or admit into evidence any written discovery response served by any party or third party. Plaintiff also reserves the right to amend this Exhibit Index and to add additional exhibits to the full extent allowed by the Court.

IN THE UNITED STATES DISTRICT COURT  
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BOYKO

**PLAINTIFF'S AMENDED  
EXHIBIT INDEX**

<b>Ex. No.</b>	<b>Description / Bates # / Dkt. # #</b>
<b>PX-0001</b>	VAu 1-263-888 registration certificate and deposit copy
<b>PX-0002</b>	VAu 1-270-802 registration certificate and deposit copy
<b>PX-0003</b>	Samsung agreement (HAYDEN_000792)
<b>PX-0004</b>	Samsung purchase order (HAYDEN_000805-000806)
<b>PX-0005</b>	Sprite agreement (HAYDEN_000253 – 000258)
<b>PX-0006</b>	Invoice for Sprite agreement (HAYDEN_000017)
<b>PX-0007</b>	Warner Bros. Space Jam 2 Agreement (HAYDEN_002423 – 002425)
<b>PX-0008</b>	Tonal Agreement
<b>PX-0009</b>	Pepsi-Cola Agreement (HAYDEN_002000 – 002001)
<b>PX-0010</b>	Warner Bros. House Party Agreement (HAYDEN_002427 – 002429)
<b>PX-0011</b>	10/04/2016 email to Welch (HAYDEN_000838-000839)
<b>PX-0012</b>	12/06/2016 email series (HAYDEN_000039)
<b>PX-0013</b>	Email series (HAYDEN_001880)
<b>PX-0014</b>	Email series (HAYDEN_001739)
<b>PX-0015</b>	NBA 2K Game Clip Compilation
<b>PX-0016</b>	NBA 2K Game Clip Compilation II
<b>PX-0017</b>	First NBA 2K Game Clip Compilation
<b>PX-0018</b>	“Photos of NBA2K16 Xbox One game and box” (TAKE-TWO_0001145)
<b>PX-0019</b>	“Photos of NBA2K17 Xbox One game and box” (TAKE-TWO_0001146)
<b>PX-0020</b>	“Photos of NBA2K18 Xbox One game and box” (TAKE-TWO_0001147)
<b>PX-0021</b>	“Photos of NBA2K19 Xbox One game and box” (TAKE-TWO_0001148)
<b>PX-0022</b>	“Photos of NBA2K20 Xbox One game and box” (TAKE-TWO_0002636)
<b>PX-0023</b>	01/01/2013 LeBron James License Agreement (TAKE-TWO_00001204 – 00001227)

<b>Ex. No.</b>	<b>Description / Bates # / Dkt. # #</b>
<b>PX-0024</b>	03/20/2018 LeBron James License Agreement (TAKE-TWO_00001233-00001259)
<b>PX-0025</b>	Everyone's On Final Creative (TAKE-TWO_00000854 – 00000873)
<b>PX-0026</b>	email dated 03/31/2018, from James Argent to Alfie Brody (TAKE-TWO_00001668)
<b>PX-0027</b>	"NBA2K16 Feature List, 03/25/2015" (TAKE-TWO_00002217-00002224)
<b>PX-0028</b>	"NBA2K17 Feature List, 11/30/2015" (TAKE-TWO_00002153-00002164)
<b>PX-0029</b>	"NBA2K18 Feature List, 11/18/2016" (TAKE-TWO_00002166-00002180)
<b>PX-0030</b>	"NBA2K19 Feature List, 11/14/2017" (TAKE-TWO_00002297-00002310)
<b>PX-0031</b>	"NBA2K20 Feature List, 11/01/2018" (TAKE-TWO_00002312-00002323)
<b>PX-0032</b>	Email Series (TAKE-TWO_00002611-00002614)
<b>PX-0033</b>	TMZ Article (excerpt from Ex. 34 to Argent Deposition)
<b>PX-0034</b>	Email series re: Chris Brickley (TAKE-TWO_00004853-00004861)
<b>PX-0035</b>	"NBA Tattoo Textures 2K Sports Process Documentation" (TAKE-TWO_00000584-00000603)
<b>PX-0036</b>	Texture Map—LeBron James (TAKE-TWO_00002538 – 00002539)
<b>PX-0037</b>	10/05/2015 email series (TAKE-TWO_00002504)
<b>PX-0038</b>	"Document titled "NBA Console & PC Summary, Externals as of 03.31.21 In Millions USD" (TAKE-TWO_00006143)
<b>PX-0039</b>	"Document titled NBA Console & PC Summary, Externals as of 03.31.21 in Millions USD" (TAKE-TWO_00006144-00006146)
<b>PX-0040</b>	"Document titled NBA Console & PC Summary, Externals as of 03.31.21 in Millions USD" (TAKE-TWO_00006147)
<b>PX-0041</b>	"Document titled NBA Console & PC Summary, Externals as of 03.31.21 in Millions USD" (TAKE-TWO_00006148)
<b>PX-0042</b>	"Document titled NBA Console & PC Summary, Externals as of 03.31.21 in Millions USD" (TAKE-TWO_00006149-00006152)
<b>PX-0043</b>	Screen shot capture from Twitter page of Mr. Stauffer (Ex. 2 to Stauffer Deposition)
<b>PX-0044</b>	"Screen shot capture from Twitter page of Mr. Stauffer" (Ex. 4 to Stauffer Deposition)
<b>PX-0045</b>	7/3/2018 Stauffer Email (TAKE-TWO_00004616 – 00004617)
<b>PX-0046</b>	9/19/2016 email series (TAKE-TWO_00004284)
<b>PX-0047</b>	2K Wish List (TAKE-TWO_00004246-00004259)
<b>PX-0048</b>	2K17 Art Goals (TAKE-TWO_00002506-00002513)
<b>PX-0049</b>	Take-Two Behind the Art Video (HAYDEN_000587)
<b>PX-0050</b>	12/03/2016 email series (PIXELGUN_0007434)

<b>Ex. No.</b>	<b>Description / Bates # / Dkt. # #</b>
<b>PX-0051</b>	Tweet by “Ronnie 2K 2K21,” Twitter, accessed at <a href="https://twitter.com/Ronnie2K/status/1014290387819692032">https://twitter.com/Ronnie2K/status/1014290387819692032</a> .
<b>PX-0052</b>	Hayden Nike Video ( <a href="https://vimeo.com/9797215">https://vimeo.com/9797215</a> )
<b>PX-0053</b>	Compendium of Certain Evidence relied on by Expert Michal Malkiewicz
<b>PX-0054</b>	Expert Report of Michal A. Malkiewicz with Appendices
<b>PX-0055</b>	Rebuttal Expert Report of Michal A. Malkiewicz with Appendices
<b>PX-0056</b>	Supplemental Report of Michal Malkiewicz with Appendices
<b>PX-0057</b>	Compendium of Certain Evidence relied on by Expert Tolga Bilgicer
<b>PX-0058</b>	Rebuttal Expert Report of H. Tolga Bilgicer, Ph.D. with Appendices
<b>PX-0059</b>	Compendium of Certain Evidence relied on by Expert Justin Lenzo
<b>PX-0060</b>	Rebuttal Expert Report of Dr. Justin Lenzo with Appendices
<b>PX-0061</b>	Supplemental Report of Dr. Justin Lenzo with Appendices
<b>PX-0062</b>	Malackowski Report with Appendices (5-27-2021)
<b>PX-0063</b>	Malackowski Rebuttal Report with Appendices (7-1-2021)
<b>PX-0064</b>	Malackowski Supplemental Report with Appendices (8-16-2021)
<b>PX-0065</b>	Malackowski Second Supplemental Report with Appendices (2-22-2024)
<b>PX-0066</b>	Responsive Expert Report of James E. Malackowski submitted in <i>Oracle America, Inc. v. Google Inc.</i> , Case No. CV 10-03561
<b>PX-0067</b>	Report of E. Deborah Jay with Appendices (5-20-2021)
<b>PX-0068</b>	Supplemental Report of E. Deborah Jay with Appendices (8-13-2021)
<b>PX-0069</b>	Reference Guide on Survey Research by Shari Seidman Diamond
<b>PX-0070</b>	Expert Report and Declaration of Ian Bogost with Appendices
<b>PX-0071</b>	Rebuttal Expert Report and Declaration of Ian Bogost with Appendices
<b>PX-0072</b>	Exhibit 6 to Ian Bogost Deposition
<b>PX-0073</b>	Expert Report and Declaration of Nina Jablonski with Appendices
<b>PX-0074</b>	Ex. 9 to Nina Jablonski Deposition
<b>PX-0075</b>	Ex. 10 to Nina Jablonski Deposition

Dated: April 5, 2024

Respectfully submitted,

By: /s/ Andrew Alexander

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**CERTIFICATE OF SERVICE**

I hereby certify that on April 5, 2024, a copy of the foregoing was filed electronically. Notice of this filing was sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt, and parties may access this filing through the Court's system.

/s/ Andrew Alexander

One of the attorneys for Plaintiff